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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,799	03/16/2004	Li Kai Man	SP4008-P-1125-AAH	9211

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EXAMINER

BROUSSARD, COREY M

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AC

Office Action Summary	Application No. 10/800,799	Applicant(s) MAN, LI KAI	
	Examiner Corey M. Broussard	Art Unit 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figure 8 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: The word "hone" on page 1 line 14 should be --phone--. Also the word "blow" on page 3 line 26 should be --below--.

Appropriate correction is required.

Claim Objections

3. Claim 1 is objected to because of the following informalities: The word "blow" should be --below--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite the term "blue tooth" which is a technical standard and is subject to change; therefore it is indefinite.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shearer et al. (US Pub 2004/0203351) in view of Swartz et al. (US Pub 2002/0034168) in view of Barkan (US Pub 2003/0085275) in view of Itamochi (PN 6,154,663). With respect to claim 1, Shearer teaches a hand free structure comprising: a power seat (the battery may be recharged thru an external power adaptor, see [0029] lines 8-9, therefore there inherently must be a power seat to connect to the external adaptor), an earphone receptacle (the cord 106 connects the main body 100 to the earphone 114, therefore there must inherently be a earphone receptacle); a receiving and transmitting switch

(the main body 100 establishes a wireless connection with other devices to communicate and transfer data, see [0023], therefore the device must inherently have some switching mechanism able to switch between transmittal and reception of the wireless communication signals); a closing switch (102, 104, when the headset 110 is detached, the main body 100 detects this and closes off the voice data from the loudspeaker 180, see [0026] and [0028] lines 1-2), a volume control button (130) and a blue tooth device (120); the cover of the structure being installed with a charging battery (see [0029] line 2 referencing an internal battery); a microphone (140) being installed at a front end of the lower cover; the microphone being electrically connected to the circuit (the microphone must inherently be connected to the electronics of the rest of the device to function); when the power seat of the circuit being connected to an external power source, the charging battery will charge and object (see [0029] the battery charges several objects such as the battery level indicator and the blue tooth module). Shearer lacks teaching of a circuit board, power switch, light emitting diode unit, and battery cover. Barkan teaches a wireless device with a removable battery cover (42, see Fig. 2, 9) and a conventional circuit board (152) electrically connecting the features of the device. Itamochi teaches a wireless device with a power switch (col 7 lines 29-31). Swartz teaches a wireless device with a light emitting diode unit (810, [0075] lines 19-22). It would have been obvious to a person of ordinary skill in the art to combine the hand free structure of Shearer with the conventional battery cover and circuit board of Barkan and power switch of Itamochi and light emitting diode of Swartz for the benefit of a portable device with a circuit board interconnecting the features of the device for

ease of manufacture, a cover protecting the removable batter and power switch conserving the battery's power when not in use, and a light emitting diode for signaling when a call is being received.

8. With respect to claim 2, Shearer teaches a blue tooth button (160) installed at a top of the upper cover for setting a code corresponding to that of a handset so as to have the same frequency to communicate with the handset as the blue tooth button is pressed (see [0023] lines 11-19); and a trumpet (180) being installed at a lower side of the upper cover; the trumpet being electrically connected to the circuit board for generating audio signals; the blue tooth button is arranged corresponding to the receiving and transmitting switch. Shearer lacks a call incoming display and a receiving button. Shearer's device allows for the receiving of speech signals without the simultaneous pushing of a button (see [0027] and [0028]). Such buttons are also well known in the art (see Latasiewicz PN 4,181,826). Swartz teaches a call incoming display (see, [0075] lines 19-22). It has been held that mission of an element and its function in a combination where the remaining elements perform the same function as before involves only routine skill in the art. In re Karlson, 136 USPQ 184. It would have been obvious to a person of ordinary skill in the art to combine the hand free structure of Shearer with the call indicator of Swartz for the benefit of a hands free device for receiving an incoming call where there is a system for visually indicating when a call is being received.

9. With respect to claim 3, Shearer lacks specific teaching of the locating and connection of the power joint. However, the device of Shearer as modified in claim 1

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above would comprise of a circuit board inherently connecting the power seat to the battery and other components of the device in order to supply power to the components of the device.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Desai (US Pub 2004/0204074), Latasiewicz (PN 4,181,826), Ono (PN 4,905,270), Baldwin (US Pub 2003/0053287), Rath (US Pub 2004/0028218), Kindo (US Pub 2004/0063471), Mayer (US Pub 2003/0228843), Ditzik (PN 5,983,073), Deinzer (PN 4,555,592) demonstrating the general state of the art of wireless communication intermediary devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey M. Broussard whose telephone number is 571 272 2799. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 571 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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